

# JOURNAL OF THE FLORIDA SENATE

Tuesday, April 10, 1973

The Senate was called to order by the President Pro Tempore at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

## INTRODUCTION

By Senator Ware—

SB 488—A bill to be entitled An act relating to probate law; amending §733.26(2)(e), Florida Statutes; providing that notice of application for the authorization or confirmation of sale of property for distribution by the personal representative is not required to be given to any person who has waived notice or consented to sale unless notice is ordered by the court; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary.

By Senator Sykes—

SB 489—A bill to be entitled An act providing for the relief of Don B. Corder to compensate him for injuries sustained and expenses incurred as a result of the negligence of the Central and Southern Florida Flood Control; providing for an appropriation, providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senator Johnson—

SB 490—A bill to be entitled An act relating to grand juries; amending §905.17(1), Florida Statutes, providing that complete stenographic records of all grand jury witnesses shall be made and preserved; providing an effective date.

—was read the first time by title and referred to the Committee on Criminal Justice.

By Senators Sayler, Ware and Plante—

SB 491—A bill to be entitled An act relating to death benefits for law enforcement officers; amending §112.19, Florida Statutes; extending the term "law enforcement officer" to include members of the Florida national guard while in active service and in the aid of civil authorities; deleting the definition of the word "employer"; providing that the state pay thirty thousand dollars or twice the annual base salary, whichever is greater, to the beneficiary of a law enforcement officer killed under specified circumstances; providing that the state is liable for such payment; providing that state funds be handled in accordance with rules established by the department of administration, which is responsible for administering the provisions of this act; providing for evidence of coverage for each law enforcement officer; providing for annual appropriations; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senator Stolzenburg—

SB 492—A bill to be entitled An act relating to gas taxes; amending §§1-3, chapter 72-384, Laws of Florida, appearing as §336.021, Florida Statutes, 1972 Supplement; authorizing any county to impose a one cent gas tax for the purpose of purchasing rights-of-way for primary or secondary roads within the county; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senators Vogt, Wilson and Firestone—

SB 493—A bill to be entitled An act relating to public property and public buildings; amending §255.21(1), Florida Statutes, 1972 Supplement, as amended by §1, chapter 72-281,

Laws of Florida; providing that public buildings or facilities including those for use as public schools, community colleges or by counties, cities or other political subdivisions shall be designed to ensure access for physically handicapped persons; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Trask—

SB 494—A bill to be entitled An act relating to registration of subdivided land salesmen; amending §478.31(2), Florida Statutes, by providing authority for the division to stagger the annual renewal date of salesmen certification through rule and regulation; providing an effective date.

—was read the first time by title and referred to the Committee on Consumer Affairs.

By Senator Trask—

SB 495—A bill to be entitled An act relating to land sales advertising; amending §478.021(2)(j), Florida Statutes, by providing for the regulation of vacation certificate promoters, distributors, or any other persons who induce prospective land purchasers to visit this state through the use of vacation certificate advertising irrespective of whether a land sales presentation is required or not; providing an effective date.

—was read the first time by title and referred to the Committee on Consumer Affairs.

By Senator Trask—

SB 496—A bill to be entitled An act relating to the Florida uniform land sales practice law; amending §478.021(2)(j), Florida Statutes, by adding additional exceptions to communications addressed to and relating to the account of any persons who have previously executed a contract for the purchase of the subdivider's lands; providing an effective date.

—was read the first time by title and referred to the Committee on Consumer Affairs.

By Senator Lane (31st)—

SB 497—A bill to be entitled An Act relating to the Florida Public Service Commission; amending subsection (1) of section 350.77, Florida Statutes, by providing for a change in fees for copies; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Stolzenburg—

SB 498—A bill to be entitled An act relating to turnpike projects; adding subsection (4) to §340.12, Florida Statutes, to provide that toll for use of any part or section of a project may not exceed an amount which, in relation to the toll for use of the entire length of the project, is equal to the ratio which the length of that part or section bears to the length of the entire project; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senator Lane (31st)—

SB 499—A bill to be entitled An act relating to traffic control; amending §316.016(3), Florida Statutes, 1971, to authorize the police department of a chartered municipality to employ as traffic enforcement officers graduates of the selective traffic enforcement program (STEP) or a similar program who do not otherwise meet uniform minimum standards for police

officers or auxiliary police officers established by the police standards council; authorizing such officers to issue certain traffic citations; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Lane (31st)—

SM 500—A memorial to the Congress of the United States requesting a constitutional convention for the purpose of proposing, or the proposal by Congress, of Amendment XXVIII to the United States Constitution to prohibit certain government activity in competition with private enterprise, to repeal Amendment XVI, and to prohibit federal income, estate, and gift taxes.

—was read the first time and referred to the Committee on Judiciary.

By Senator Firestone—

SB 501—A bill to be entitled An act relating to the investment of surplus public funds; amending Chapter 125.31 (4), Florida Statutes, to remove the time limitation required to invest surplus public funds; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senators Pettigrew, Glisson, Firestone, Winn and de la Parte—

SB 502—A bill to be entitled An act relating to conflicts of interest by public officers and employees; amending sections 112.311, 112.312 and 112.317, Florida Statutes; creating section 112.320, Florida Statutes; repealing sections 112.313, 112.314, 112.315 and 112.316, Florida Statutes; declaring purpose; providing definitions; prohibiting certain business transactions by public officers and employees; prohibiting membership on regulatory boards by certain persons; prohibiting voting on certain matters by public officers; prohibiting representation of certain persons before public bodies by public officers and employees; providing for disqualification, removal, impeachment, expulsion or dismissal and criminal penalties for public officers or employees who violate Part III of Chapter 112; providing for injunctive relief; providing that contracts executed in violation of Part III of Chapter 112 are voidable; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator McClain—

SB 503—A bill to be entitled An act relating to limitations of actions; creating sections 95.011, 95.031, 95.091, 206.141 and 211.091, Florida Statutes; prescribing the periods of time for limitations, the conditions under which the periods of time apply, the times when actions accrue, the applicability of limitations and laches; repealing Sections 95.02, 95.021, 95.08, 95.09, 95.112, 95.113, 95.15, 95.20, 95.24, 95.251, 95.27, 95.33, 95.34, 95.38, 198.33, 206.751, 353.06, 356.09, 475.49, 478.191(5), 672.725, 676.111, 768.04, 849.27, 849.28, Florida Statutes; amending Sections 65.081, 95.03, 95.04, 95.10, 95.11, 95.111, 95.12, 95.13, 95.14, 95.16, 95.17, 95.18, 95.19, 95.21, 95.22, 95.241, 95.35, 95.36, 192.053, 206.14(5), 206.15, 206.175, 206.97, 211.11, 211.33, 517.21(1), 377.33(3), Florida Statutes; transferring Section 95.37, Florida Statutes to Chapter 11, Florida Statutes; amending and transferring Sections 95.05, 95.06, 95.07, 95.23, 95.26, 95.28, 95.29, 95.30, 95.31, 95.32, 337.31, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary.

By Senator McClain—

SB 504—A bill to be entitled An act relating to tax upon estates of resident decedents; amending section 198.02, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary.

By Senators Pettigrew, Glisson, Winn and de la Parte—

SB 505—A bill to be entitled An act relating to conflicts of interest by non-judicial public officers; amending sections 112.311 and 112.317, Florida Statutes; creating section 112.330; providing definitions; requiring disclosure of financial interests by candidates and public officers; providing for disqualification, removal, impeachment, expulsion or dismissal and criminal penalties for candidates and public officers who fail to comply with Part III, Chapter 112, Florida Statutes; providing for injunctive relief; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Lane (31st)—

SB 506—A bill to be entitled An act relating to practitioners of the healing arts; providing that no applicant for licensing as a physician, dentist, osteopath, pharmacist, podiatrist, optometrist, or chiropractor shall be eligible for a license unless said applicant is a graduate of an appropriate professional school that has been accredited by an accrediting agency, recognized and approved by the national commission on accrediting and the office of education, department of health, education and welfare; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senators Lane (31st) and Stolzenburg—

SB 507—A bill to be entitled An act relating to legal holidays; amending section 683.01(1)(1), Florida Statutes, 1971, to return veterans' day to November 11 of each year; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senators Gillespie and Vogt—

SB 508—A bill to be entitled An act relating to insurance; amending section 627.331, Florida Statutes, by adding subsection (5); providing that the margin of underwriting profit on certain compulsory types of coverages shall not exceed a reasonable amount, to be determined by the department of insurance, of the gross earned premiums on said coverages; requiring insurers to file their premium, loss, and expense experience on coverages providing security under chapter 440, chapter 324, and sections 627.730-627.741, Florida Statutes; providing that insurers who have a profit exceeding a reasonable amount of their gross earned premiums shall refund such excess profits or credit such profits to their policyholders upon renewal of their policies; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Deeb—

SR 509—A Senate resolution directing the senate judiciary committee to prepare and introduce during the 1973 regular session of the legislature a bill adopting the uniform probate code modified as necessary to integrate it into Florida law.

—was read the first time and referred to the Committee on Consumer Affairs.

By Senator Gallen—

SB 510—A bill to be entitled An act relating to certain consumer and other credit transactions; constituting the uniform consumer credit code as chapters 971 through 977, Florida Statutes; consolidating and revising certain aspects of the law relating to consumer and other loans, consumer and other sales of goods, services, and interests in land, and consumer leases; revising the law relating to usury; regulating certain practices relating to insurance in consumer credit transactions; providing for administrative regulation of certain consumer credit transactions; providing fees; providing penalties; repealing sections 627.684, and 659.18, Florida Statutes; repealing chapters 516, 519, and 520, Florida Statutes; amending section 656.17, Florida Statutes, making industrial savings bank loans subject to the uniform consumer credit code; amending section 675.14, Florida

Statutes, making credit union loans subject to the uniform consumer credit code; amending section 659.181, relating to bank credit cards; amending section 679.203, Florida Statutes, making transactions subject to chapter 679, Florida Statutes, also subject to the uniform consumer credit code; providing for transition; and providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Firestone—

SB 511—A bill to be entitled An act relating to mental health; creating section 394.47, Florida Statutes; providing that it is unlawful to introduce or remove contraband into or from treatment facilities; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Deeb—

SB 512—A bill to be entitled An act relating to homestead tax exemption; amending Chapter 196.012(10), Florida Statutes, to provide for the revision of the definition of certain "disabled persons"; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senators Myers and de la Parte—

SB 513—A bill to be entitled An act relating to occupational and professional licensing; amending section 455.012, Florida Statutes; providing that no person shall be disqualified from practicing an occupation or profession that is regulated by the state solely because he is not a United States citizen; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Glisson—

SB 514—A bill to be entitled An act relating to state employees; providing for the conversion of unused sick leave into "terminal leave" and providing that employees who terminate state employment may use terminal leave immediately prior to termination; providing that no employee shall be paid in lieu of using terminal leave; granting the department of administration the power to promulgate rules and regulations to effectuate the purposes of this act; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senators Glisson, Lewis and Johnson—

SB 515—A bill to be entitled An act relating to public health; amending section 381.011, Florida Statutes, creating an advisory council of seven (7) members appointed by the Governor; providing for the appointment of a doctor of veterinary medicine to the advisory council to the division of health of the department of health and rehabilitative services; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Trask—

SB 516—A bill to be entitled An act relating to Florida land sales registration; amending §478.121(3), Florida Statutes, by providing that the subdivider will make no material change, alteration or modification of the subdivision offering prior to the time he has written approval of the division director; providing an effective date.

—was read the first time by title and referred to the Committee on Consumer Affairs.

By Senator Trask—

SB 517—A bill to be entitled An act relating to prohibitions on dispositions of interests in subdivisions; amending §478.23(1), Florida Statutes, by providing punctuation and language to remove ambiguity; providing an effective date.

—was read the first time by title and referred to the Committee on Consumer Affairs.

By Senator Trask—

SB 518—A bill to be entitled An act relating to Florida land sales registration; amending §478.121 (1) (1), Florida Statutes, by providing that applications for registration must contain a statement of the existing provisions for legal and physical access, but if there are no provisions for physical access, a statement to that effect; providing an effective date.

—was read the first time by title and referred to the Committee on Consumer Affairs.

By Senator Childers—

SB 519—A bill to be entitled An act relating to pharmacists; amending §465.061, Florida Statutes, 1971, to provide for an increase in the application fee for examination as a pharmacist; amending §465.091(2) and (3)(e) and (f), Florida Statutes, 1971, providing for a fee for the issuance of a duplicate certificate; providing for an increase in delinquency fee for license renewal; setting a limit on the period of delinquency for license renewal before an examination must be taken to reinstate a pharmacist's license; amending §465.101(1)(c), Florida Statutes, 1971, placing the responsibility upon a pharmacist on duty to insure that persons not properly registered will not fill, compound or dispense any prescriptions; amending §465.21(8), Florida Statutes, 1971, to provide for an increase in institutional and community pharmacy permit renewal and delinquency fees; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Gordon—

SB 520—A bill to be entitled An act relating to insurance; amending section 624.522, Florida Statutes, by adding a new subsection (6) and renumbering subsequent subsection to provide that all funds deposited in liquefied petroleum gas administrative trust fund, municipal firemen's pension trust fund, municipal police officers' retirement trust fund, state fire marshal trust fund, and publications trust fund shall be transferred to the insurance commissioner's regulatory trust fund; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Deeb—

SB 521—A bill to be entitled An act for relief of Sunco Wholesale and Distributing Company, Inc.; providing for an appropriation to compensate it for the value of unused Florida cigarette tax stamps contained in Pitney-Bowes cigarette tax stamp meter No. 41630, which was stolen from the company on April 12, 1971; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senator Deeb—

SB 522—A bill to be entitled An act relating to fire protective equipment; amending §633.061(6), Florida Statutes, providing for removal of exemption; creating §633.065, Florida Statutes, providing for licensing of installers; providing for approved equipment; providing for educating the consumer; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Gordon—

SB 523—A bill to be entitled An act relating to family planning; amending §381.382(3) and (5), Florida Statutes, 1972

Supplement, and adding a new subsection; permitting broader dissemination of maternal health and contraceptive information and services to minors; providing for voluntary sterilization; restricting the liability of physicians performing such surgery; providing that no unmarried person under eighteen (18) years may be sterilized without the consent of his parent or guardian; prohibiting special qualifications for such surgery; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Scarborough (By request)—

SB 524—A bill to be entitled An act relating to domestic relations, husband and wife; amending sections 741.01, 741.02, 741.03, 741.04, 741.05, 741.051, 741.053, 741.055, 741.057, 741.058, 741.0591, 741.0592, 741.06, 741.07, 741.08, 741.09, and 741.10, all Florida Statutes; providing that the clerk of the county court shall have authority to issue marriage licenses and perform marriages; amending section 382.24, Florida Statutes, relating to the Bureau of Vital Statistics, marriage fees; providing that the clerk of the county court shall transmit marriage application fees monthly; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary.

By Senator Vogt—

SB 525—A bill to be entitled An act relating to public schools; providing legislative intent; amending §235.34, Florida Statutes, 1972 Supplement, as amended by §111, chapter 72-221, Laws of Florida; providing prior agreement by school boards for mandatory payments for school improvements; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Poston—

SB 526—A bill to be entitled An act relating to motor vehicle licenses; amending §320.72, Florida Statutes, to authorize the department of highway safety and motor vehicles to issue special license plates to cabinet members; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senator Ware—

SB 527—A bill to be entitled An act relating to education; amending §877.13(1), Florida Statutes, providing that it is unlawful for any person to disrupt or interfere with the educational processes of educational institutions; providing specific prohibitions relating to public schools; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

The Senate recessed at 8:40 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

Mr. President	Gordon	Myers	Stolzenburg
Barron	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Trask
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (31st)	Sayler	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Smathers	

Excused: Senator Winn

Prayer by the Senate Chaplain:

You have taught us, our God, to render to Caesar the things that are Caesar's and to God the things that are God's.

May we know that you neither intended to leave Caesar without a God nor God without Caesar, but that in the mutuality of distinctiveness we may govern best.

So help us to accept our priorities of faith while we undertake the dialogue of reason. In the name of our Lord.

The president introduced Dr. H. D. Williams, general practitioner, chief of staff of Community hospital, New Port Richey, as the doctor of the day.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Tuesday, April 10, 1973:

SCR 438	SB 224	SCR 303
SB 152	SB 179	SB 271

Respectfully submitted,  
Dempsey J. Barron, Chairman

The Committee on Judiciary recommends the following pass: SB 363 with 3 amendments

SB 301	SB 345 with 1 amendment
SB 327	SB 370
SB 373	SB 309
SB 374	SB 357

The Committee on Transportation recommends the following pass: SB 300 with 1 amendment, SB 329

The Committee on Commerce recommends the following pass: SB 181 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SCR 231, SB 263

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Health and Rehabilitative Services recommends the following pass: SB 264 with 2 amendments

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary recommends the following pass: SB 299 with 1 amendment

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Judiciary recommends the following not pass: SB 356

The bill was laid on the table.

#### Bills Referred to Subcommittee

Transportation Select Subcommittee: SB 305 (5 days to report to Committee on Transportation).

Judiciary Select Subcommittee: Senate Bills 406, 104 and 193 (10 days to report to Committee on Judiciary).

Senator Mallory E. Horne  
President, The Florida Senate  
The Capitol  
April 4, 1973

Dear Mr. President:

Your Standing Committee on Natural Resources and Conservation to whom was referred for inquiry and recommendation the following appointments subject to confirmation by the Senate:

NAME	OFFICE	FOR TERM ENDING
John M. DeGrove Boca Raton	Member, Governing Board, Central and Southern Florida Flood Control District	July 1, 1975
R. Emmett McTigue Ft. Lauderdale	Member, Governing Board, Central and Southern Florida Flood Control District	July 12, 1975
Arthur R. Marshall Miami	Member, Governing Board, Central and Southern Florida Flood Control District	July 12, 1975
Buckner L. Pratt Miami	Member, Governing Board, Central and Southern Florida Flood Control District	July 1, 1975
W. J. Scarborough Lake Placid	Member, Governing Board, Central and Southern Florida Flood Control District	July 1, 1975
J. R. Spratt LaBelle	Member, Governing Board, Central and Southern Florida Flood Control District	July 1, 1973
Mrs. Roy C. Adams Boca Grande	Harbor Master for the Port of Boca Grande, Lee County	November 21, 1973
Malvise P. Gibson Key West	Member, Board of Pilot Commissioners for the Port of Key West, Monroe County, State of Florida Department of Professional and Occupational Regu- lation	June 19, 1973
Russell R. Stewart Panama City	Member, Board of Pilot Commissioners for the Port of Panama City, Bay County, State of Florida Department of Professional and Occupational Regula- tion	June 14, 1973
Delmar B. Drawdy Tampa	Member, Tampa Port Authority, Hills- borough County	November 15, 1976
Frank S. Bouis Leesburg	Member, Board of Oklawaha Basin Recreation and Water Conservation and Control Authority	July 13, 1976
S. C. Bexley, Jr. Land O'Lakes	Member, Governing Board, Southwest Florida Water Management District	July 1, 1974
Joe E. Hill Leesburg	Member, Governing Board, Southwest Florida Water Management District	July 1, 1974

NAME	OFFICE	FOR TERM ENDING
Robert E. Vaughn Brandon	Member, Governing Board, Southwest Florida Water Management District	July 1, 1976
—having met, and after full inquiry, hereby tenders as the recommendation of this Committee that the Senate do advise and consent, and approve the aforesaid appointments made by the Governor.		
Respectfully submitted,		
W. D. CHILDERS, Chairman	LEW BRANTLEY, Vice Chairman	
RICHARD J. DEEB	WARREN S. HENDERSON	
HENRY SAYLER	JOHN W. VOGT	
SHERMAN S. WINN	WILLIAM G. ZINKIL, SR.	

On motion by Senator Childers, the report of the committee was adopted, and the Senate in open session advised and consented to and approved the appointments set forth in the foregoing report. The vote was:

Yeas—35

Mr. President	Glisson	McClain	Stolzenburg
Barron	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Weber
de la Parte	Johnston	Saunders	Williams
Firestone	Lane (31st)	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Smathers	

Nays—None

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator McClain, SJR 80 was withdrawn from the Committees on Health and Rehabilitative Services and Ways and Means by two-thirds vote and from further consideration of the Senate.

On motions by Senator McClain, Senate Bills 220 and 256 were withdrawn from the Committee on Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator Plante, SB 222 was withdrawn from the Committee on Commerce by two-thirds vote and from further consideration of the Senate.

On motion by Senator Barron, SB 281 was withdrawn from the Committee on Commerce by two-thirds vote and re-referred to the Committee on Consumer Affairs.

On motion by Senator Sykes, SB 265 was withdrawn from the Committee on Commerce by two-thirds vote and re-referred to the Committee on Health and Rehabilitative Services.

On motion by Senator Brantley, rule 2.5 was waived and the Committee on Commerce was granted permission to take testimony and vote on SB 239 at the meeting on April 11, notwithstanding the notice in the calendar.

Senator Williams raised a point of order that SB 226 affects fiscal matters and should be removed from the calendar and referred to the Committee on Ways and Means pursuant to Rule 4.6. The President ruled the point well taken.

The President announced the appointment of Senator de la Parte, chairman; Senators Graham, Williams, Saunders, Myers, Plante and Lane (31st) as a Select Committee on Fair Assessment.

## MESSAGES FROM THE GOVERNOR

By direction of the President, the Secretary read the following:

Honorable Mallory E. Horne  
President, The Florida Senate  
The Capitol

April 3, 1973

Dear Mr. President:

This is to advise that I have reappointed David Delo, Chancellor, University of Tampa, as a member of the State Board of Independent Colleges and Universities, for term ending March 20, 1976.

It would be appreciated if the Senate would take up the confirmation of this appointment during the current session of the Florida Legislature.

Sincerely,  
**REUBIN ASKEW**  
Governor

The President referred the foregoing appointment to the Committee on Education.

Honorable Elmer O. Friday, Jr.  
Secretary of the Senate  
Capitol

April 6, 1973

Dear Senator Friday:

Attached hereto is a certificate listing a commission prepared today which is subject to Senate Confirmation.

With kind regards, I remain

Cordially,  
**RICHARD (DICK) STONE**  
Secretary of State

By (Mrs.) Dorothy W. Glisson  
Director, Division of Elections

I, Richard (Dick) Stone Secretary of State of the State of Florida, do hereby certify that pursuant to the Provisions of Section 112.071 (1), (b), Florida Statutes, a commission which is subject to Confirmation by the Senate has been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
Ned R. Richardson Leesburg	Member, Northwest Lake County Hospital District	October 10, 1975



Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the sixth day of April, A. D. 1973

**RICHARD (DICK) STONE**  
Secretary of State

The President referred the foregoing appointment to the Committee on Health and Rehabilitative Services.

By permission, the following certificate was received:

IN THE SUPREME COURT OF FLORIDA  
JANUARY TERM, A. D. 1973  
APRIL 2, 1973

IN RE: CERTIFICATE OF JUDICIAL  
MANPOWER AS REQUIRED \*\*  
BY SECTION 9, ARTICLE V, \*\*  
CONSTITUTION OF FLOR- \*\*  
IDA, AS REVISED MARCH \*\*  
14, 1972. \*\*

PER CURIAM.

Pursuant to Section 9, Article V, Constitution of Florida, as revised March 14, 1972, we hereby certify the need for additional circuit and county judges as follows:

Circuit Courts:	
10th	1
19th	1
TOTAL	2 Circuit Courts

County Courts:	
Dade	7
Hillsborough	2
Palm Beach	1
St. Johns	1
Marion	1
Osceola	1
Leon	1
Seminole	1
TOTAL	15 County Courts

It is recommended that the first terms of these new county judges expire January 7, 1975 so they will stand for election at the same time as other county judges. The first terms of the new circuit judges, in our view, should expire concurrent with the terms of the other circuit judges.

The following county judges are at present paid by their respective counties\*:

Charlotte	Allen J. Levin, Punta Gorda
Collier	Lynne Hixon Holley, Naples
Columbia	Dale C. Ferguson, Lake City
Hendry	H. P. Johnson, LaBelle
Martin	David Harper, Stuart
St. Lucie	Wm. G. Tye, Ft. Pierce
Walton	Odell O. Thompson, DeFuniak Springs

The Court certifies these judicial offices are necessary and recommends they be made permanent by law and funded by the State.

CARLTON, C.J., ROBERTS, ERVIN, ADKINS, BOYD, McCAIN and DEKLE, J.J., concur

\*(incumbent judges holding terms beyond 2 January 1973, but whose particular judgeships were abolished by the effect of Revised Article V Florida Constitution which became effective January 1, 1973 and who by operation of law became county judges, but paid by county for the unexpired term)

A TRUE COPY

Attest:

**SID J. WHITE, Clerk**  
Supreme Court of Florida

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President April 4, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Redman—

HB 281—A bill to be entitled An act relating to the legislative auditing committee; amending §11.40, Florida Statutes, 1971, to provide that during the two (2) year term of membership a member of each house shall serve as chairman; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 281, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President April 4, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Insurance—

HB 611—A bill to be entitled An act relating to insurance; amending §625.308, Florida Statutes, 1971, to authorize insurers to invest in student loans guaranteed as to principal by the United States Government; providing an effective date.

By the Committee on Insurance—

**HB 612**—A bill to be entitled An act relating to disability insurance; creating §627.6115, Florida Statutes, and adding subsection (5) to §627.662, Florida Statutes, 1971, to require the development and use of standardized claim forms for individual and group disability insurance; providing an effective date.

By the Committee on Insurance—

**HB 346**—A bill to be entitled An act relating to insurance; creating sections 631.215 and 631.216, Florida Statutes; providing that reinsurance recoverable by the receiver shall not be reduced as a result of delinquency proceedings instituted against the delinquent insurer; prohibiting a reinsurer from settling any policy claim with a policyholder or claimant of an insurer if a delinquency proceeding has been commenced against such insurer; providing an effective date.

By the Committee on Insurance—

**HB 347**—A bill to be entitled An act relating to insurance; amending section 631.291(3), Florida Statutes; providing that certain arbitration awards shall not be considered by the receiver of an insolvent insurer as conclusive evidence of liability or the amount of damages; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* April 4, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Insurance—

**HB 348**—A bill to be entitled An act relating to premium finance companies; amending §627.828(1) and (2), Florida Statutes, 1972 Supplement; requiring that every applicant for license as a premium finance company under part XIV, chapter 627, Florida Statutes, show proof of net worth of thirty-five thousand dollars (\$35,000) or file a surety bond or other acceptable collateral with the department; requiring every licensed premium finance company to maintain such net worth; allowing existing licensed premium finance companies a three (3) year period in which to attain such net worth; providing an effective date.

By the Committee on Insurance—

**HB 608**—A bill to be entitled An act relating to insurance; amending section 624.610(1), Florida Statutes; providing that no insurer shall cede or retrocede credit life, credit disability or both credit life and credit disability insurance with an insurer not authorized to do business in Florida; providing an effective date.

By the Committee on Insurance—

**HB 609**—A bill to be entitled An act relating to insurance; repealing section 627.557, Florida Statutes, 1971, which limits the amount of coverage per person under a group life insurance policy issued to any employer or labor union; providing an effective date.

By the Committee on Insurance—

**HB 610**—A bill to be entitled An act relating to insurance; amending section 626.031, Florida Statutes, 1971; authorizing the department of insurance to waive licensing requirements for secondary school students engaged in education programs under sponsorship of authorized insurers; providing that participating students shall not be defined as agents while under the supervision of a licensed agent; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

House Bills 611, 612, 346, 347, 348, 608, 609 and 610, contained in the above messages, were read the first time by title and referred to the Committee on Commerce.

*The Honorable Mallory E. Horne, President* April 4, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Poole—

**HB 194**—A bill to be entitled An act relating to motor vehicles; creating section 316.0285, Florida Statutes; to prohibit the wearing of headsets while operating a vehicle; providing an effective date.

By Representative Tittle—

**HB 331**—A bill to be entitled An act relating to Monroe County; amending §10 of chapter 67-1724, Laws of Florida, as amended by chapter 69-1322, Laws of Florida, increasing the bond limitation of the Lower Florida Keys Hospital District to ten million dollars (\$10,000,000) for the establishment and maintenance of hospitals in the district; continuing regulation of board hospitals under sections 381.493 through 381.497, F.S.; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* April 6, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representatives Craig and Williams—

**HB 330**—A bill to be entitled An act relating to St. Johns County; amending section 2 of chapter 69-1536, Laws of Florida, relating to additional court fees collected for the care of a library, and the maintenance and clerical staff for the circuit court chambers in St. Augustine; designating the application of such fees to cases docketed in the county court and circuit court; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

**HB 194**, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

Evidence of notice and publication was established by the Senate as to House Bills 331 and 330.

House Bills 331 and 330, contained in the above messages, were read the first time by title and referred to the Committee on Rules and Calendar.

*The Honorable Mallory E. Horne, President* April 9, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Judiciary and Representative Forbes—

**CS for HB 248**—A bill to be entitled An act relating to replevin; creating §§78.015, 78.025, 78.035, 78.045, 78.055, 78.065, 78.075, 78.085, 78.095, 78.105, 78.115, 78.125, 78.135, 78.145, 78.155, 78.165, 78.175, 78.185, 78.195 and 78.205, Florida Statutes, providing for right of replevin; providing what may not be taken; providing venue and jurisdiction; providing a court order requirement; providing for filing of complaint; providing order to show cause; providing a hearing, providing requirements for a temporary restraining order; providing for an issuance of a writ in an emergency; providing a waiver of an order to show cause; providing for a writ; providing for execution on property in buildings, on property changing possession, on property removed from jurisdiction; providing for disposition of property levied on; providing for judgment for plaintiff when goods not delivered to defendant and when goods retained by or redelivered to defendant; providing judgment for



defendant when goods retained by or redelivered to him or when goods not redelivered to him; providing that other remedies as provided by law are not negated; repealing §§78.01, 78.02, 78.03, 78.04, 78.07, 78.071, 78.08, 78.10, 78.11, 78.12, 78.13, 78.18, 78.19, 78.20 and 78.21, Florida Statutes, relating to replevin; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 248, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

*The Honorable Mallory E. Horne, President* April 9, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Hodes—

HB 112—A bill to be entitled An act relating to the department of health and rehabilitative services, division of retardation; repealing section 402.14, Florida Statutes, to abolish the advisory council on retardation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 112, contained in the above message, was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

*The Honorable Mallory E. Horne, President* April 9, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Gautier—

HB 166—A bill to be entitled An act relating to execution; amending §§922.07-922.10 and §922.11(1) and (2), Florida Statutes, to provide that the Florida supreme court, instead of the governor, issue execution warrants; amending §922.15, Florida Statutes, deleting the requirement that the governor be sent a copy of the warrant after execution; repealing §§922.12 and 922.14, Florida Statutes, relating to return of warrant issued by the governor and return of the death sentence unexecuted for unjustifiable reasons; providing an effective date.

By Representative Nelson—

HB 251—A bill to be entitled An act relating to service of process by publication; amending §49.011(4), Florida Statutes, to allow service of process by publication in dissolution of marriage actions; providing an effective date.

By the Committee on Insurance—

HB 736—A bill to be entitled An act relating to insurance; amending §§627.801, 627.802, 627.803, 627.804, and 627.805(1) and (2)(c), Florida Statutes, 1971, and creating §§627.806 and 627.807, Florida Statutes; providing for the application of annuity contracts and life insurance policies; providing for separate accounts; providing for statement of value of benefits; providing for investment of assets; authorizing the department of insurance to regulate the issuance and sales of variable contracts; providing for the insurance code to be applicable to separate accounts; providing for variable contract reserve requirements; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 166, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

HB 251, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

HB 736, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

*The Honorable Mallory E. Horne, President* April 6, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Elections and Representative Martinez—

CS for HB 363—A bill to be entitled An act relating to voting ballots; amending §101.161, Florida Statutes, providing that the exact wording of the substance of a proposed constitutional amendment or other public measure to appear on the ballot shall be embodied in the enabling legislation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* April 6, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Judiciary and Representative Gautier—

HB 757—A bill to be entitled An act relating to security of communications; amending §934.08(3), Florida Statutes, as amended by chapter 72-294, Laws of Florida; providing that information received may be disclosed to the judicial qualifications commission; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 363 and HB 757, contained in the above messages, were read the first time by title and referred to the Committee on Judiciary.

*The Honorable Mallory E. Horne, President* April 6, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Insurance—

HB 737—A bill to be entitled An act relating to insurance; amending §§626.051(1), 626.241(3), 626.780 and 626.781(2), Florida Statutes, 1971; expanding the definition of a life agent to include an agent who writes variable contracts; expanding the coverage of the examination required for an applicant for a license as to ordinary class to include an applicant for a license as to ordinary variable contract class; expanding the definition of a life insurer to include an insurer who writes variable contracts; authorizing the issuance of life insurance under the definition of ordinary variable contract class; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 737, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

*The Honorable Mallory E. Horne, President* April 6, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representatives Craig and Williams—

HB 326—A bill to be entitled An act relating to St. Johns County, Anastasia Mosquito Control District; removing the requirement that members of the board of commissioners of the district reside within certain portions of the district; voiding contrary provisions of chapter 61-2745, Laws of Florida; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*



Evidence of notice and publication was established by the Senate as to HB 326.

HB 326, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

*The Honorable Mallory E. Horne, President* April 6, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Agriculture & Citrus—

HB 399—A bill to be entitled An act relating to citrus; amending §601.03(8), Florida Statutes, to exempt persons or firms trading in citrus futures contracts on a regulated commodity exchange from the definition of "citrus fruit dealer"; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 399, contained in the above message, was read the first time by title. On motion by Senator Barron, the rules were waived and the bill was placed on the calendar.

*The Honorable Mallory E. Horne, President* April 6, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Agriculture & Citrus—

HB 396—A bill to be entitled An act relating to citrus fruit dealers' licenses; amending section 601.55, Florida Statutes, to clarify the necessity of issuance of a citrus fruit dealer's license for each shipping season or portion thereof; adding subsections (2) and (3) to section 601.55, Florida Statutes, establishing classifications and effective dates of such licenses and limiting applications to one per applicant per shipping season; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 396, contained in the above message, was read the first time by title and referred to the Committee on Agriculture.

*The Honorable Mallory E. Horne, President* April 6, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representatives Gautier and Avon—

HB 133—A bill to be entitled An act relating to limitation of prosecution; amending §932.465, Florida Statutes; providing that prosecution of an offense punishable by death or one punishable by life imprisonment may be commenced at any time; providing a six year limitation for a felony of the first degree, three years for any other felony, two years for a misdemeanor of the first degree, one year for a misdemeanor of the second degree; providing three months extension for defective indictment, information, or affidavit; providing limitations for offenses committed by state, county, or municipal officials; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 133, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

*The Honorable Mallory E. Horne, President* April 6, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Agriculture & Citrus—

HB 393—A bill to be entitled An act relating to citrus; amending subsections (1) and (2) of section 601.46, Florida Statutes, to remove mandatory requirement that certificate of

inspection and maturity accompany fresh citrus fruit shipments and permit in lieu thereof for proof of inspection and maturity to be shown by appropriate means on the manifest or bill of lading covering such shipments; adding subsections (3) and (4) to section 601.46, Florida Statutes, for clarification of existing language; providing an effective date.

By Representative Poole—

HB 190—A bill to be entitled An act relating to automobile license plates; amending §320.72(5), Florida Statutes, 1971; providing authority to issue automobile license plates stamped "Member Congress" or "United States Senator"; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* April 5, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Tubbs and others—

HB 211—A bill to be entitled an Act relating to motor vehicles; repealing §316.065(3) and (4), Florida Statutes, 1972 Supplement, and amending §316.065(5) and (6), Florida Statutes, 1972 Supplement, relating to damaged motor vehicles, to delete provisions which require the affixing of damage release stickers and which prohibit the repair of vehicles not having a sticker; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 393, contained in the above message, was read the first time by title and referred to the Committee on Agriculture.

House Bills 190 and 211, contained in the above messages, were read the first time by title and referred to the Committee on Transportation.

*The Honorable Mallory E. Horne, President* April 5, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Judiciary and Representative Cherry—

HB 438—A bill to be entitled An act relating to the proof of execution of wills; creating Section 731.071, Florida Statutes; providing that an attested will may be made self-proved at the time of its execution; providing the method of selfproof; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* April 5, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Judiciary and Representative Johnson—

HB 439—A bill to be entitled An act relating to probate procedure; creating Section 733.225, Florida Statutes; specifying that court orders are not required for sales made pursuant to a general power to sell contained in a will and that the sales need not be justified by any necessity; validating sales heretofore made under a general power of sale contained in a will; providing an effective date.

By Representative Craig—

HB 262—A bill to be entitled An act relating to conservation; amending §370.041(2), Florida Statutes, to provide that possession of sea oats or sea grapes shall constitute prima facie

evidence of violation of said section, which provides that unlawful cutting, harvesting, removal, or eradication of said plants is a misdemeanor; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

House Bills 438 and 439, contained in the above messages, were read the first time by title and referred to the Committee on Judiciary.

HB 262, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

*The Honorable Mallory E. Horne, President* April 5, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Transportation and Representative Holloway and others—

CS for HB's 93 and 353—A bill to be entitled An act relating to loads on vehicles; amending section 316.198, F.S., providing vehicles hauling aggregate and any other material which may drop or blow from it be prevented from doing so; providing owner and driver, severally, be liable; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB's 93 and 353, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

#### SPECIAL ORDER CALENDAR

On motion by Senator Poston, unanimous consent was obtained to take up out of order—

SCR 302—A concurrent resolution saluting the second Model U. S. Senate Program being held at Stetson University in DeLand, Florida, on April 12, 13, 14 and 15, 1973.

—which was read the second time in full. On motion by Senator Poston, SCR 302 was adopted and certified to the House. The vote was:

Yeas—37

Mr. President	Graham	Peterson	Sykes
Barron	Gruber	Pettigrew	Trask
Brantley	Henderson	Plante	Vogt
Childers	Johnson	Poston	Ware
Deeb	Johnston	Saunders	Weber
de la Parte	Lane (31st)	Saylor	Wilson
Firestone	Lane (23rd)	Scarborough	Zinkil
Gallen	Lewis	Sims	
Glisson	McClain	Smathers	
Gordon	Myers	Stolzenburg	

Nays—None

By unanimous consent Senator Williams was recorded as voting yea.

#### SPECIAL AND CONTINUING ORDER

SB 211—A bill to be entitled An act relating to motor vehicle damage release stickers; amending §316.065(4)-(6), Florida Statutes, 1972 Supplement, as created by §1, chapter 72-164, Laws of Florida; prohibiting repair of a motor vehicle without a damage release sticker only when the property damage exceeds one hundred dollars; providing a penalty; providing an effective date.

—was taken up, together with a pending amendment by Senators Sims, Johnston and Gillespie.

Senators Sims, Zinkil, Johnston, Gillespie and Childers offered the following substitute amendment which was adopted on motion by Senator Sims:

**Amendment 4**—On page 1, strike lines 15 through 30; and on page 2, strike lines 1 through 23 and insert: Section 1. Subsections (3) and (4) of section 316.065, Florida Statutes, 1972 Supplement, as created by chapter 72-164, Laws of Florida, are hereby repealed, and subsections (5) and (6) of said section are amended to read:

**316.065 Accidents; reports, release stickers; penalties.—**

(5) Any person in charge of any garage or repair shop to which is brought any ~~damaged~~ motor vehicle which shows evidence of having been involved in an accident, ~~or which shows evidence of having been struck by a bullet, or involved in the commission of a crime,~~ or any other person to whom is brought for the purpose of repair a ~~damaged~~ motor vehicle showing such evidence, shall make a report, or cause a report to be made, to the nearest local police station or Florida highway patrol office within twenty-four hours after the motor vehicle is received and before any repairs are made to the vehicle. The report shall contain the year, license number, make, model and color of the vehicle and the name and address of the owner or person in possession of the vehicle. ~~Nothing contained herein shall be deemed to require the reporting of a vehicle which possesses a damage release sticker.~~

(6) Any person who knowingly repairs a motor vehicle ~~without such vehicle having attached thereto a damage release sticker when required by this section or without having made a report of the damaged vehicle as required by subsection (5),~~ shall be punished as provided in §316.026. The owner and driver of a vehicle involved in an accident who makes a report thereof in accordance with subsection (1) or §316.066(1), shall not be liable hereunder.

Section 2. This act shall take effect upon becoming a law.

The vote was:

Yeas—30

Mr. President	Gruber	Peterson	Trask
Barron	Henderson	Plante	Vogt
Childers	Johnson	Saunders	Ware
Deeb	Johnston	Saylor	Weber
de la Parte	Lane (31st)	Scarborough	Wilson
Gillespie	Lane (23rd)	Sims	Zinkil
Glisson	Lewis	Stolzenburg	
Gordon	McClain	Sykes	

Nays—9

Brantley	Graham	Pettigrew	Smathers
Firestone	Myers	Poston	Williams
Gallen			

Senators Sims, Zinkil, Johnston, Gillespie and Childers offered the following amendment which was adopted on motion by Senator Sims:

**Amendment 5**—On page 1 in title, strike lines 4 through 11 and insert: An act relating to motor vehicles; repealing §316.065 (3) and (4), Florida Statutes, 1972 Supplement, and amending §316.065(5) and (6), Florida Statutes, 1972 Supplement, relating to damaged motor vehicles, to delete provisions which require the affixing of damage release stickers and which prohibit the repair of vehicles not having a sticker; providing an effective date.

On motion by Senator Zinkil, SB 211 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

Mr. President	Graham	Peterson	Sykes
Barron	Gruber	Pettigrew	Trask
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (31st)	Saylor	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Smathers	
Gordon	Myers	Stolzenburg	

Nays—1

Brantley

The President introduced to the Senate the following members of the family of the late Charles S. Ausley: Mrs. Ausley, wife; Mr. and Mrs. Ryals Lee, son-in-law and daughter, Ryals, Jr., Charles Ausley, Cathy and Elizabeth Lee, grandchildren; Mr. and Mrs. Joe Hannon, son-in-law and daughter Russ Hannon, grandson; Mr. and Mrs. Dubose Ausley, son and daughter-in-law, Lorraine Ausley, granddaughter; Mr. and Mrs. John C. Ausley, brother and sister-in-law; Judge and Mrs. Ben C. Willis, brother-in-law and sister, Lee Willis, nephew; Mrs. Parks Martin, sister; and longtime friends, Mr. and Mrs. D. Fred McMullen.

The Senate resumed—

#### SPECIAL ORDER

SCR 438—A concurrent resolution In Memoriam Charles Saxon Ausley

WHEREAS, there has gone from our midst one who in the short span allotted man rendered an invaluable service to his city, county and state, and departing left with family, friends and acquaintances the image of one who, in the thought of the Thanatopsis, had so lived that he might wrap the drapery of his couch about him and lie down to pleasant dreams, and

WHEREAS, we would record an abiding example of personal and professional integrity, and the resulting benefits of indefatigable effort and skill, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:*

That this concurrent resolution be inscribed upon the Journals of the Senate and the House of Representatives of the State of Florida—

#### IN MEMORIAM CHARLES SAXON AUSLEY

—who was born in Tallahassee, January 15, 1907, the son of Dr. Charles Merit and Elizabeth Saxon Ausley. He attended the public schools of Leon County, was graduated from Leon High School in 1924, and from the University of Florida with an LL.B. degree in 1930. In June of that year he was admitted to The Florida Bar and immediately began the practice of law in Tallahassee. His law firm, now Ausley, Ausley, McMullen, McGehee and Carothers, was to undergo many name changes in the ensuing forty-two years, but he ever remained actively engaged as the senior partner. An affable, unassuming gentleman, who sunk the "self" and forgot the "I", he brought to his profession an analytical mind, exceptional legal ability and high ethical standards which made for his eminent success as a practitioner.

On June 28, 1933, he married Miss Lorraine Dubose of Pine Bluff, Arkansas. To their happy union were born two daughters, now Mrs. Ryals E. Lee and Mrs. Joe Hannon, and a son, Charles Dubose Ausley. All survive him. He was a dedicated member of Faith Presbyterian Church, Tallahassee.

He served Tallahassee as municipal judge 1931-1939, city commissioner, 1940-1945, during which time he held the office of mayor in 1941 and 1944. He was a founder and the first president of the Tallahassee Junior Chamber of Commerce. In 1945, when his law partner, Hon. LeRoy Collins, resigned as senator from the Eighth District comprising Leon County, he offered for the vacancy. At a special election on February 20, 1945, he was elected to the Senate and served with distinction during the regular session and the hectic extra re-apportionment session of that year. He evinced a strong interest in legislation for the advancement of education, and was a recipient of the Allen Morris award, the legislative poll having designated Leon County's delegation composed of three men, as the most effective in the 1945 legislature. He relinquished the Senate seat on termination of Senator Collins' military duties and resumed the practice of law.

Among his affiliations and activities were—member of Phi Delta Phi, Kappa Alpha, Florida Blue Key, Fellow of the International Academy of Trial Lawyers and of the American Bar Foundation, member of the American College of Trial Lawyers, the American College of Probate Counsel, American Bar Association, Tallahassee Bar Association (past president), director of the Capital City First and Second National Banks,

founder and past director of the Industrial National Bank, State director of Miami's Orange Bowl, chairman of the executive committee of the Florida Railroad Association, member of the board of trustees of FSU Foundation, Inc., the Kiwanis Club and the Democratic party. An editorial depicts another activity and the esteem in which he was universally held: "We at The Tallahassee Democrat feel a special, personal loss in the death of Charles S. Ausley because he was a part of our official family for so long—under two ownerships a director and officer of our publishing company, our legal advisor, secretary of our corporation at the time of his death. [May 16, 1972] . . . he was a ready and steady helper when we needed him for any point of law. He was an enthusiastic helper, too, in setting up such public service organizations as our Funders, Inc., of which he was a director from the beginning . . . His public service went far beyond any lawyer's clientele . . . It is such good citizens as Charlie Ausley who have made Tallahassee the place for the good life it is."

BE IT FURTHER RESOLVED that copies of this Concurrent Resolution, duly attested by the President and the Secretary of the Senate and the Speaker and the Clerk of the House of Representatives, together with the condolences of these bodies, be presented to the members of his family: Mrs. Charles S. Ausley, Mrs. Ryals E. Lee, Mrs. Joe Hannon, Hon. C. Dubose Ausley, Mrs. Margaret Martin, Mrs. Ben C. Willis and Hon. John C. Ausley, widow, daughters, son, sisters and brother, respectively.

—was read the second time in full. On motion by Senator Barron, SCR 438 was adopted and certified to the House. The vote was:

Yeas—39

Mr. President	Gordon	Myers	Stolzenburg
Barron	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Trask
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (31st)	Saylor	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Smathers	

Nays—None

By permission the following Senators were recorded as co-introducers of SCR 438: Brantley, Childers, Deeb, de la Parte, Firestone, Gallen, Gillespie, Glisson, Gordon, Graham, Gruber, Henderson, Johnson, Johnston, Lane (31st), Lane (23rd), Lewis, McClain, Myers, Peterson, Pettigrew, Plante, Poston, Saunders, Saylor, Scarborough, Sims, Smathers, Stolzenburg, Sykes, Trask, Vogt, Ware, Weber, Williams, Wilson, Winn and Zinkil.

SB 152—A bill to be entitled An act relating to the rights of majority; providing that the disabilities of nonage shall be removed for all persons eighteen years of age or older; providing an effective date.

—was read the second time by title.

Senators Weber, Gillespie and Gallen offered the following amendment which was moved by Senator Weber:

**Amendment 1**—On page 1, line 12, strike "Section 1. The disabilities and insert: Section 1. Except for statutory prohibitions against the purchase and consumption of all alcoholic beverages by persons less than twenty-one (21) years of age the disabilities

Senators Glisson, Childers, Trask and Gallen offered the following substitute amendment which was moved by Senator Glisson and failed:

**Amendment 2**—On page 1, line 17, after the word "except" insert: the purchase and consumption of alcoholic beverages or wagering at any pari-mutuel establishment or

The vote was:

## Yeas—17

Brantley	Henderson	Smathers	Williams
Childers	Johnston	Stolzenburg	Zinkil
Deeb	Lane (31st)	Trask	
Gallen	Peterson	Ware	
Glisson	Sayler	Weber	

## Nays—21

Mr. President	Gruber	Pettigrew	Sykes
Barron	Johnson	Plante	Vogt
de la Parte	Lane (23rd)	Poston	Wilson
Firestone	Lewis	Saunders	
Gillespie	McClain	Scarborough	
Graham	Myers	Sims	

Senator Sims moved the adoption of the following substitute amendment:

**Amendment 3**—On page 1, line 12, strike "Section 1. The disabilities." and insert: Section 1. Except for statutory prohibitions against the purchase and consumption of all alcoholic beverages by all persons.

Senator Weber raised a point of order that the amendment refers to the disabilities of nonage which means everything under twenty-one and the reference in the substitute amendment is to include persons of twenty-one and over.

The President stated the title of the bill says "A bill to be entitled an Act relating to the rights of majority". Rights necessarily involve responsibilities and disabilities and since the title addresses itself to the broad spectrum of rights and responsibilities and of disabilities of the majority, the substitute is germane to the title of the original bill.

Senator Weber stated his reference was to the body of the bill which states that the disabilities of nonage are removed and suggested that the title is faulty and the bill correct.

The President further stated the germanity rule addresses itself to the title and he would permit debate on the substitute and the point was not well taken.

On motion by Senator Sykes, by two-thirds vote, debate on the amendment was limited to one minute per side.

Substitute Amendment 3 failed.

Senator Williams presiding.

The President presiding.

The question recurred on the adoption of Amendment 1 which failed by the following vote:

## Yeas—19

Brantley	Glisson	Poston	Trask
Childers	Henderson	Sayler	Ware
Deeb	Johnston	Smathers	Weber
Gallen	Lane (23rd)	Stolzenburg	Williams
Gillespie	Peterson	Sykes	

## Nays—20

Mr. President	Graham	McClain	Scarborough
Barron	Gruber	Myers	Sims
de la Parte	Johnson	Pettigrew	Vogt
Firestone	Lane (31st)	Plante	Wilson
Gordon	Lewis	Saunders	Zinkil

Senator Myers moved the adoption of the following amendment:

**Amendment 4**—On page 1, line 25, add a new sentence as follows: Nothing herein shall be deemed to alter the right of a court to order the provision of financial support to any person in appropriate litigation involving that issue.

Senators Ware and Brantley offered the following substitute amendment which was moved by Senator Ware:

**Amendment 5**—On page 1, line 26, strike entire Section 3 and insert: Section 3. A parent under order of court to provide financial support to a minor now enrolled in an accredited educational institution as a full time student shall not be relieved from the provisions of such order by the passage of this act. The duty to provide such support shall continue until age 21 unless terminated by order of court.

Section 4. This act shall take effect July 1, 1973

Senator Sykes moved the adoption of the following amendment to Amendment 5 which failed:

**Amendment 5a**—Following "institutions as a" strike "full time."

The question recurred on Amendment 5 which failed.

On motion by Senator Plante, the rules were waived and time of adjournment was extended until final action on SB 152.

The question recurred on Amendment 4 which failed.

On motion by Senator Lane the following amendment was adopted:

**Amendment 6**—On page 1, line 27 strike "July 1, 1973." and insert: immediately upon becoming law.

Senators Childers, Gallen, Sykes, Lane (31st), Glisson, Lane (23rd), Johnston, Trask, Sayler, Weber, McClain, Peterson and Henderson offered the following amendment which was moved by Senator Childers:

**Amendment 7**—On page 1, strike everything on line 27 and insert: upon the approval of this act at a referendum election at the next special or general election.

The amendment failed by the following vote:

## Yeas—18

Barron	Glisson	McClain	Sykes
Brantley	Henderson	Peterson	Trask
Childers	Johnston	Sayler	Weber
Deeb	Lane (31st)	Smathers	
Gallen	Lane (23rd)	Stolzenburg	

## Nays—21

Mr. President	Gruber	Poston	Williams
de la Parte	Johnson	Saunders	Wilson
Firestone	Lewis	Scarborough	Zinkil
Gillespie	Myers	Sims	
Gordon	Pettigrew	Vogt	
Graham	Plante	Ware	

On motion by Senator Scarborough, by two-thirds vote SB 152 as amended was read the third time by title, passed and ordered engrossed. The vote was:

## Yeas—25

Mr. President	Gillespie	Myers	Smathers
Barron	Glisson	Pettigrew	Vogt
Brantley	Gordon	Plante	Wilson
Childers	Graham	Poston	Zinkil
Deeb	Gruber	Saunders	
de la Parte	Johnson	Scarborough	
Firestone	McClain	Sims	

## Nays—14

Gallen	Lane (23rd)	Stolzenburg	Weber
Henderson	Lewis	Sykes	Williams
Johnston	Peterson	Trask	
Lane (31st)	Sayler	Ware	

**Explanation of vote**

I voted against this bill and its amendments because:

1. The people of Florida spoke to this issue just 2½ years ago and overwhelmingly defeated this matter at the polls.

2. Most importantly, I have talked to many young people on this matter and they *are* concerned about the contract provision and all it entails and that is why I have voted against it.

*Philip D. Lewis, 27th District*

The needs of young adults for majority rights are very important, but it is inconsistent to grant rights to use alcohol

when at this session we will be asked to finance state detoxification centers. Hopefully, another opportunity will come with the House version to amend this otherwise good bill.

*Curtis Peterson, 12th District*

The Journal of April 9 was corrected and approved.

**CO-INTRODUCERS**

By permission, Senator de la Parte was recorded as a co-introducer of SB 181, Senator Smathers as a co-introducer of SB 3 and Senator Zinkil as a co-introducer of SB 294.

On motion by Senator Barron, the Senate adjourned at 12:15 p.m. to convene at 8:30 a.m. April 11, 1973, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.